

REMARKS

Claims 1-4, and 21-27 stand rejected.

Claims 5-20 have been deleted.

Claims 21 and 23 have been amended.

Claims 1-4, and 21-27 are pending.

This Supplemental Amendment amends the presentation of claim amendments that were previously made in the Applicant's Response submitted on December 30, 2002. Specifically, this Supplement Amendment is in compliance with the underlining requirements of 37 CFR 1.173(2). Thus claims 21 and 23 have been underlined in their entirety.

Below is a "redlined" version of claim 21 indicating how claim 21 was amended in the December 30, 2002 response relative to claim 21 as originally submitted in the reissue application as follows:

21. Apparatus for processing billing information through a private switched network telephone system for offering pay per view amenities to a user at an amenity device within a facility, the apparatus comprising:

a telephone at said facility and connected to said private switched network telephone system by a telephone line, said telephone for transmitting and receiving information on said line;

a line powered card reader connected to said telephone for reading credit cards and extracting billing information therefrom;

a power supply connected to said line and said card reader for converting power of said line to a power supply voltage with sufficient current to power said card reader;

a processor connected to said card reader and said telephone for controlling said card reader to extract said billing information from said credit card and for transmitting said extracted billing information on said line;

DO NOT ENTER "redlined" version,
NOT IN COMPLIANCE w/ 1.173.

a billing computer connected to said telephone system for receiving and validating said transmitted billing information; and

a central distribution box located at said facility and connected without [a public] said private switched network telephone system directly to said amenity device for facilitating the offer of a pay per view offering responsive to said billing computer validation.

A redlined version of claim 23 as listed below, indicates claim 23 as amended in the December 30, 2002 response relative to claim 23 as submitted in the reissue application:

23. A method of user access to movies at an amenity location, the method comprising:

providing a store-and-forward switch (SFS) connected [to] at said amenity location for facilitating the offer of a movie by collecting user information and initiating a routine for the offer of the movie responsive to receipt of a validation;

providing a central billing computer connected to said SFS for validating said offer;

providing a telephone connected to said central billing computer through the SFS for user input to said central billing computer of user billing information and movie identification information, wherein said user input of billing and movie identification information through the telephone comprises:

reading user credit card information with a card reader connected to said telephone;

[storing] buffering in said telephone said read credit card information;

offering selectable movie identification information to said user, said movie identification information being [storing] buffered as selectable DTMF tones in said telephone; and

responsive to user selection of said offered movie identification information and said stored credit card information, connecting said telephone to said [remote] central billing computer for validation;
responsive to said user input, validating in said central billing computer said user billing information; and
responsive to said validation, said central billing computer instructing said SFS to [offer] activate said movie at said amenity location.

It is now believed that the amendments of claims 21 and 23 conform to the requirements of 37 CFR 1.173(2).

Central Distribution Box

In further response to the Examiner's initial rejection of claims 1, 21-22, 24-27 on the basis that "central distribution box" broadens the claims, Applicants offer the following additional clarifications supporting that the term "central distribution box" is in fact a narrower term than "central distribution computer."

The term "central distribution box" or "central distribution point," also referred to as a "head end," is a well known device that must always contain a computer or processor when employed in pay-per-view systems, as claimed. Therefore, the reference in the claims to a central distribution box is a narrower term than the previously referenced central distribution computer.

In further support, the Applicants attach an affidavit from a Mr. Joel Pugh, who has over 12 years of industry experience with pay per view systems, central distribution computers, headends and the like. Specifically, in his affidavit, Mr. Pugh explains that in the pay-per-view industry, the term "central distribution box" always includes a "central distribution computer." If a computer were not part of the box, it would be impossible to distribute the signals to the individual rooms. Additionally, tracking and billing without a computer would have been impossible.

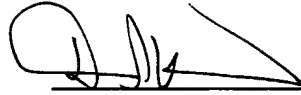
Thus, these amendments are narrowing because a central distribution box in pay-per-view systems must contain, in addition to other elements, a central distribution computer. This is consistent with the context of the term "central distribution box" as it is used in the patent specification, in which the box is always used as part of a pay per view offering ('448 patent, col. 5, line 15).

As the Examiner has stated, the test for determining whether a claim has been broadened is whether the patent owner would be able to sue any party for infringement who previously could not have been sued. The applicant, under the original claims, could have sued those making, using, etc. all such claimed devices, (i.e., devices containing a central distribution point or pay-per-view headend), containing a central distribution computer. However, because a central distribution box must contain a central distribution computer, the Applicant is not able to sue anyone under the amended claims that it could not have sued under the original claims. Thus, these claims could not possibly be broadening claims. Therefore, replacing the term "central distribution computer" with the term "central distribution box" does not constitute a broadening amendment and this rejection should be withdrawn.

Conclusion

In summary, as amended, the reissue claims presented herein meet all of the requirements for reissue claims, including no introduction of new matter and the written description requirements. It is respectfully submitted, therefore, that they be allowed by the Examiner.

Respectfully submitted,



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